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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,439	09/30/2003	Jeyhan Karaoguz	14989US02	5630
23446 7590 01/04/2008 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661				
EXAMINER				
MENDOZA JR, JORGE				
ART UNIT		PAPER NUMBER		
4126				
MAIL DATE		DELIVERY MODE		
01/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/675,439

**Applicant(s)**

KARAOGUZ ET AL.

**Examiner**

JORGE MENDOZA JR

**Art Unit**

4126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-31 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

1. Claims **1-31** are presented for Examination.

### ***Priority***

2. A reference to the prior application No.**60/432,472**, filed on Dec.11, 2002; application No. **60/443,894**, filed on Jan.30, 2003; application No. **60/457,179**, filed on Mar.25, 2003; application No. **60/469,182**, filed on May.9, 2003; application No. **444,243**, filed on Jan.30, 2003; and application No. **60/464,697**, filed on Apr.23, 2003 have been inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76). The claim for benefit of relying on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c) is acknowledged.

### ***Information Disclosure Statement***

3. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered. Incorporated references (*Attorney Docket No. 14185US02 & Attorney Docket No. 14274US02*) are disclosed in paragraph [02] of the specification.

***Specification***

4. The disclosure is objected to because of the following informalities: The Serial Numbers (US Patent Application Numbers) are missing in paragraph [02] of the Incorporated by Reference section. Appropriate correction is required.
5. The disclosure is object to because of the following informalities: Information provided in paragraph [37] (which reads: *A media exchange network may be*) of the specification appears to be incomplete. Appropriate correction is required.
6. The disclosure is object to because of the following informalities: Information provided in paragraph [59] of the specification appears to be incorrect. According to Fig.1C, reference character '**152**' refers to the '*media processing system*', not the '*media network storage*' as indicated by the specification. Appropriate correction is required.
7. The disclosure is objected to because of the following informalities. Information provided in paragraph [63] appears to be incorrect. According to the specification, the stated '*48GHz*' is believed to be '*4.8 GHz*'. Appropriate correction is required.
8. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification does not distinctly define the characteristics of each of the claimed processors of Claim **31**: a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and a media peripheral processor (paragraph [16]). Without further disclosure as to the distinctness of each claimed processor in Claim **31**,

each claimed processor will be treated as indistinguishable and therefore the broadest reasonable interpretation of a processor will be used in the interpretation of Claim 31.

### ***Drawings***

9. The drawings are objected to because reference character 'C' of Fig.5 is labeling an incorrect location as indicated in the specification. According to paragraph [103] of the specification, reference character 'C' should be labeling where 'the first party 501 accesses the third-party channel 504 using a media guide user interface 502 on a PC 503'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1-5, 7, 8, 10-15, 17, 18, 20-25, 27, 28, 30, & 31** are rejected under 35 U.S.C. 102(e) as being anticipated by **Dureau** (US Patent Application Publication No. **2003/0135860**).

4. With respect to Claim **1**, the claimed "receiving a media file from a communication network at a first home, said media file received from outside said first home" is met by Dureau that discloses the use of a proxy receiver, **12**, receiving media files from various sources of programming (Broadcast Station **16**, Internet **60**, Source **13, 18, & 19**) via a transmission medium, **17**, (satellite **23**, cable **24**, terrestrial **25**) at a first location, **50**, (Fig.1; Abstract; paragraph [0024], [0028], & [0033]). The claimed "determining within said first home, a first format of said received media file" is met by Dureau that discloses the use of a proxy receiver, **12**, in detecting the data that it is receiving at a first location, **50** (Abstract; Fig.1; paragraph [0012], [0028], [0043], & [0047]). The claimed "converting within said first home, said received media file from said first format to a second format compatible for at least one of presentation and playback on a television screen within said first home" is met by Dureau that discloses the converting of received data by a proxy receiver, **12**, from a first format to a second

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format and the use of any number of receiving devices, **30<sub>A-N</sub>**, including a television for the display of the transcoded data (Abstract; Figs.1,2&4; paragraphs [0012], [0028], & [0035-0037])

With respect to Claim **2**, the claimed "further comprising at least one of decoding and decrypting said received media file within said first home" is met by Dureau that discloses the use of a proxy receiver, **12**, within a first location, **50**, in de-multiplexing a multiplexed data signal received via a digital satellite transmission to obtain a compressed television program and/or interactive applications in it (Fig.4; paragraphs [0028] & [0036-0038]).

With respect to Claim **3**, the claimed "further comprising transcoding said received media file within said first home from said first format to said second format" is met by Dureau that discloses the transcoding of received data by a proxy receiver, **12**, from a first format to a second format within a first location, **50** (Abstract; Figs.1, 2 & 4; paragraphs [0012], [0028], & [0035-0037]).

With respect to Claim **4**, the claimed "further comprising directly transferring said converted media file to at least one media peripheral located within first home" is met by Dureau that discloses the transferring of the transcoded data from the proxy receiver, **12**, to a number of receivers, **30<sub>A-N</sub>**, which may be a set-top box (STB), a television (TV), a video cassette recorder (VCR), a personal video recorder (PVR), a personal digital assistant (PDA), a personal computer (PC) a video game console, and/or a mobile/cell phone (Fig.1,3,&4; paragraphs [0012], [0028], [0033], [0035], [0037], & [0044]).

With respect to Claim **5**, the claimed " further comprising distributing said converted media file to at least one of a media peripheral within said first home and a media peripheral within a second home via at least one of a wired and a wireless connection" is met by Dureau that discloses the use of a proxy receiver, **12**, in converting received data from one format to another and distributing converted data to a number of receivers, **30A-N**, via a wired/wireless connection (Abstract; Figs.1&3; paragraphs [0033-0035] & [0037]).

With respect to Claim **7**, the claimed "further comprising storing said converted media file in at least on of a network attached storage and a storage area network within at least one of the first home and a second home" is met by Dureau that discloses the use of a mass storage unit, **314**, in storing the transcoded content (Fig.5; paragraphs [0038], [0042] & [0043]).

With respect to Claim **8**, the claimed "retrieving said stored converted media file; and displaying on said television screen within said first home, said retrieved converted media file" is met by Dureau that discloses the storage of transcoded date in mass storage device, **314**, prior to transmission, such as format **530A** destined for television output (Fig. 5; paragraph [0043]).

With respect to Claim **10**, the claimed "wherein said received media file is at least one of audio, video, image, graphical, and textual media file" is met by Dureau that discloses the receiving of audio, video, still images, text, interactive graphics and applications by a receiver (**12**) that has the ability to transcode data from one format to a second format (Figs.1,3,&5; paragraphs [0004], [0005], [0010], [0038], & [0039]).



Claim 11 is met as previously discussed with respect to Claim 1.  
Claim 12 is met as previously discussed with respect to Claim 2.  
Claim 13 is met as previously discussed with respect to Claim 3.  
Claim 14 is met as previously discussed with respect to Claim 4.  
Claim 15 is met as previously discussed with respect to Claim 5.  
Claim 17 is met as previously discussed with respect to Claim 7.  
Claim 18 is met as previously discussed with respect to Claim 8.  
Claim 20 is met as previously discussed with respect to Claim 10.

Claim 21 is met as previously discussed with respect to Claim 1. In addition, Dureau discloses control units (302, 502) within the proxy receiver (12) and the transcode subsystem (310) responsible for receiving data, the detection of the data, and the transcoding of the data (Fig.1, 4, & 5; paragraphs [0038] & [0043]).

Claim 22 is met as previously discussed with respect to Claim 2.  
Claim 23 is met as previously discussed with respect to Claim 3.  
Claim 24 is met as previously discussed with respect to Claim 4.  
Claim 25 is met as previously discussed with respect to Claim 5.  
Claim 27 is met as previously discussed with respect to Claim 7.  
Claim 28 is met as previously discussed with respect to Claim 8.  
Claim 30 is met as previously discussed with respect to Claim 10.

With respect to Claim 31, the claimed "wherein said at least one processor is at least one of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and a media peripheral processor" is met Dureau that discloses the use of control units (302, 502)

within the proxy receiver (12) and the transcode subsystem (310) responsible for receiving data, the detection of the data, and the transcoding of the data (Fig.1, 4, & 5; paragraphs [0038] & [0043]).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 6, 9, 16, 19, 26, & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dureau (US Patent Application Publication No.2003/0135860) in view of Kaars (US Patent Application Publication No.2003/0066084).

With respect to Claim 6, the claimed "further comprising receiving authorization for said distributing of said converted media file to said at least one media peripheral within said second home is not explicitly taught by the Dureau reference. However, in the same field of endeavor, the Kaars reference teaches a system in which a user can input, via a user interface (116), an indication of a particular playback device, in the form of a numeric code, that will received transcoded data, such as a PC (142), at a possible 2nd location, connected to a data transcoding device (100) via an internet connection (Figs.1 & 2; paragraphs [0015], [0025], [0028]).

It would have been obvious to one skilled in the art, at the time of the invention, to have combined the system taught by the Dureau reference with that of the system

taught by the Kaars reference in order to increase the functionality and to allow a user the ability to transfer transcoded data from a first location to a second location. A person of ordinary skill in the art would have been motivated to make such a modification to the Dureau reference in order to provide a user at a second location with media files that otherwise cannot be viewed.

With respect to Claim 9, the claimed "further comprising storing said received media file prior to said converting in at least one of a network attached storage, a storage server and a storage area network located at said first home" is met by the Kaars reference that teaches the storage of received data in storage device (110) prior to the transcoding of the data (Figs.1-3; paragraphs [0010], [0022], [0027]).

Claim 16 is met as previously discussed with respect to Claim 6.

Claim 19 is met as previously discussed with respect to Claim 9.

Claim 26 is met as previously discussed with respect to Claim 6.

Claim 29 is met as previously discussed with respect to Claim 9.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Moroney (US Patent No. 6,532,593)** teaches the use of a set-top box terminal in controlling a transcoding process for storage purposes, at 3 distinct quality levels.

**Bruynsteen (US Patent No. 6,558,663)** teaches the adjustability of the storage space of a fixed hard disk drive on a customer electronics device via a 3<sup>rd</sup> party service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jorge Mendoza Jr.** whose telephone number is (571) 270-5087. The examiner can normally be reached on Monday through Friday 7:30 am – 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Dennis Chow** can be reached at (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jorge Mendoza Jr.

December 27, 2007

/Lun-Yi Lao/

Primary Examiner, Art Unit 2629